

§ 1203.22

(1) Cancellation of any personnel action related to the prohibited personnel practice;

(2) Rescission of any action related to the cancelled personnel action;

(3) Removal of any reference, record, or document within an employee's official personnel folder that is related to the prohibited personnel practice;

(4) Award of back pay and benefits;

(5) Award of attorney fees;

(6) Other remedial measures to reverse the effects of a prohibited personnel practice; and

(7) The agency's submission of a verified report of its compliance with the Board's order.

§ 1203.22 Enforcement of order.

(a) Any party may ask the Board to enforce a final order it has issued under this part. The request may be made by filing a petition for enforcement with the Office of the Clerk of the Board and by serving a copy of the petition on each party to the regulation review. The petition must include specific reasons why the petitioning party believes that there has been a failure to comply with the Board's order.

(b) The Board will take all action necessary to determine whether there has been compliance with its final order. If it determines that there has been a failure to comply with the order, it will take actions necessary to obtain compliance.

(c) Where appropriate, the Board may initiate the enforcement procedures described in 5 CFR 1201.183(c).

PART 1204—AVAILABILITY OF OFFICIAL INFORMATION

Subpart A—Purpose and Scope

Sec.

1204.1 Purpose.

1204.2 Scope.

Subpart B—Procedures for Disclosure of Records under the Freedom of Information Act

1204.11 Requests for access to Board records.

1204.12 Fees.

1204.13 Denials.

1204.14 Requests for access to confidential commercial information.

5 CFR Ch. II (1–1–97 Edition)

Subpart C—Appeals

1204.21 Submission.

1204.22 Decisions on appeal.

AUTHORITY: 5 U.S.C. 552 and 1204, Pub. L. 99–570 and E.O. 12600.

SOURCE: 54 FR 28658, July 6, 1989, unless otherwise noted.

Subpart A—Purpose and Scope

§ 1204.1 Purpose.

This part implements the Freedom of Information Act (FOIA), 5 U.S.C. 552, by prescribing the procedures to follow when requesting information from the Board, and by stating the fees that will be charged for that information.

§ 1204.2 Scope.

(a) For the purpose of this part, the term *information* has the same meaning as the term *records* in § 552 of title 5, United States Code. All written requests for information that are not processed under part 1205 of the Board's regulations will be processed under this part. The Board may continue, without complying with the provisions of this part, to furnish the public with the information it customarily has furnished in the regular course of performing its official duties, unless furnishing the information would violate the Privacy Act of 1974, 5 U.S.C. 552a, or another law.

(b) When the subject of the record, or the subject's authorized representative, requests a record from a Privacy Act system of records, as that term is defined by 5 U.S.C. 552a(a)(5), and the Board retrieves the record by the subject's name or other personal identifier, the Board will handle the request under the procedures and fees applicable in 5 CFR part 1205. When a third party makes a request for access to those records, without the express written consent of the subject of the record, the Board will handle the request under this part.

(c) When a party to an appeal requests a copy of a tape recording or transcript (if one has been prepared) of a hearing that the Board or a presiding official of the Board conducted under part 1201 or part 1209 of this chapter, the Board will handle the request under 5 CFR 1201.53. When someone